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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,177	01/07/2002	Wolfgang Gunter Ruckmann	W1.1641PCT-US	1623

7590

09/02/2003

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EXAMINER

TRAN, LOUIS B

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 09/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,177

Applicant(s)

RUCKMANN ET AL.

Examiner

Louis B Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12, 16 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12, 16, 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment, Paper No. 11, received on 07/10/2003. Applicant's cancellation of claims 13-15 in Paper No. 10 is acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation, "paper webs are supported between said longitudinal folding hopper and said paper deflection device by said D.C. high tension source". It is unclear what this is intended to encompass. The voltage source is not supporting the paper web between the longitudinal folding hopper and paper deflection device but rather the charge generated from the voltage source. Clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9, 11, 12 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Pflaum (DE 2754179 A1).

With respect to claim 9, Pflaum discloses the invention substantially as claimed including a machine frame, a longitudinal folding hopper supported by said machine frame, said longitudinal folding hopper having at least first and second hopper flanks, said at least first and second hopper flanks receiving paper webs passing through said longitudinal folding hopper seen in Figure 4, a paper deflection device 2,3, 13, 14, 15 supported by said machine frame said paper deflection device being spaced from and enclosing said longitudinal folding device, a high voltage source connected to said paper deflection device, and electrically insulating means supporting said paper deflection device on said machine frame to electrically insulate said paper deflection device from said machine frame seen in Figure 1 and 2.

With respect to claim 11, Pflaum teaches wherein the longitudinal folding hopper has a hopper projection seen in Figure 4.

With respect to claim 12, Pflaum teaches a first and second hopper folding rollers 18,19, said hopper folding rollers being rotatably supported by and electrically insulated from said machine as in Figure 2.

With respect to claim 16, Pflaum teaches means electrically interlocking said paper webs, said paper web electrical interlocking means being located before, in a direction of paper web travel, said longitudinal folding hopper.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pflaum (DE 2754179 A1).

With respect to claim 10, Pflaum discloses wherein the said high voltage source is high tension source having different polarities and further wherein said longitudinal folding hopper and said paper deflection device are connected to different polarities of said high tension source.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide DC or AC current since the examiner takes Official Notice of the equivalence of DC and AC current for their use in the web joining art and the selection of any of these known equivalents to charge a web or paper would be within the level of ordinary skill in the art.

With respect to claim 17, Pflaum teaches wherein said paper webs are supported between said longitudinal folding hopper and said paper deflection device by said d.c. high tension source.

Conclusion

8. Applicant's remarks have been fully considered but are deemed moot in view of the new grounds of rejection.

Applicant contends that the paper deflection device as claimed includes a pair of guide devices 61 and 62 that are adjacent the hopper flank plates 55 and 65 and as on page 5 of the remarks of paper no. 10. However, applicant has not described the deflection device structurally except for stating that the paper deflection device is

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supported by said machine frame and spaced from and enclosing said longitudinal device. Claims are given their broadest reasonable interpretation and as claimed, one could interpret the rolls of Pflaum to be deflection devices charged and spaced from and enclosing said longitudinal device.

Applicant has relied upon functional language and has not defined any structure in the claims to define what structure the deflection device encompasses. On the same token, applicant further contends that there is no machine frame shown in Pflaum and that there is no electrical insulation against a machine frame shown.

To the contrary, a machine frame is inherent in the system and Pflaum provides support for insulation on page 11, lines 1-8. Clearly, Pflaum provides insulation material which contains charge to a certain region and therefore provides insulation from the inherent machine frame.

For the reasons above, the grounds of rejection are deemed proper.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Louis B Tran whose telephone number is 703-305-0611. The examiner can normally be reached on 8AM-6PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

lbt



SCOTT A. SMITH
PRIMARY EXAMINER